

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDILFREDO CHAVEZ,

Petitioner,

vs.

ROBERT LeGRAND, *et al.*,

Respondents.

3:11-cv-00706-LRH-WGC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. Petitioner has filed a motion to dismiss this action without prejudice, which the Court construes as a request for voluntary dismissal. (ECF No. 11). Petitioner indicates that he is pursuing proceedings in state court challenging his conviction. (*Id.*). The Court will grant the request pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED that petitioner's motion to dismiss (ECF No. 11), construed as a motion for voluntary dismissal, is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** to petitioner filing a timely federal petition in a new action, following exhaustion of state court remedies.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly.

DATED this 28th day of January, 2013.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE